

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below.



**/S/ RUSS KENDIG**

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Russ Kendig  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	)	
	)	CHAPTER
THOMAS W. MASON & NORA I.	)	
MASON,	)	CASE NO. 10-61420
	)	
Debtors.	)	ADV. NO. 11-6018
	)	
JOSIAH L. MASON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	JUDGE RUSS KENDIG
	)	
ARIZONA BILL WEIR & JANICE E.	)	<b>MEMORANDUM OF OPINION</b>
WEIR,	)	<b>(NOT FOR PUBLICATION)</b>
	)	
Defendants.	)	

The court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334(b) and the general order of reference entered in this district on July 16, 1984. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (O).

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the court.

On May 27, 2011, defendants filed a document titled "Motion to Change Venue; Answer

to Complaint; and Motion for Jury Trial Pursuant to Rule 9015 Fed. R. Bank. P.” The court now considers whether the defendants are entitled to a change of venue.

On April 28, 2011, the chapter 7 trustee in this case, Josiah L. Mason (“trustee”), filed a complaint to avoid an alleged transfer of \$10,000 from the debtors to the defendants. The complaint alleges, and the answer does not deny, that defendants are debtors’ sister and brother-in-law. Defendants’ motion contains no information about the nature of the debt.

The defendants state that they are entitled to a change of venue under 28 U.S.C. § 1409(b). Section 1409(b) states that

[e]xcept as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than \$1,175<sup>1</sup> or a consumer debt of less than \$17,575 or a debt (excluding a consumer debt) against a noninsider of less than \$11,725 only in the district court for the district in which the defendant resides.

The defendants are not entitled to relief under section 1409(b). Defendants are not entitled to relief because the motion does not allege that the debt is a consumer debt. Further, defendants are not entitled to relief because defendants are alleged to be insiders of the debtors pursuant to 11 U.S.C. § 101(31)(A)(i).

Accordingly, the motion to change venue is denied.

An order will issue with this opinion.

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Service List:

Josiah L Mason  
Canton  
153 W Main St  
PO Box 345  
Ashland, OH 44805-2219

Arizona Bill Weir  
4625 West Taro  
Glendale, AZ 85308-4449

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<sup>1</sup>The dollar amounts in section 1409(b) are periodically adjusted for inflation.

Janice E. Weir  
4625 West Taro  
Glendale, AZ 85308-4449